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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,050	01/16/2004	Christoph Schilling	NI 161	4473

7590 01/14/2010  
KLAUS J. BACH & ASSOCIATES  
PATENTS AND TRADEMARKS  
4407 TWIN OAKS DRIVE  
MURRYSVILLE, PA 15668

EXAMINER
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STONER, KILEY SHAWN

ART UNIT	PAPER NUMBER
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1793

MAIL DATE	DELIVERY MODE
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01/14/2010

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CHRISTOPH SCHILLING,  
ALEXANDER VON STROMBECK, and JORG DOS SANTOS

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Appeal 2009-009518  
Application 10/762,050  
Technology Center 1700

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Mailed: January 14, 2010

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Before DALE M. SHAW, *Administrator*

ORDER DISMISSING APPEAL

On September 07, 2007, Appellants filed a Notice of Appeal. On November 06, 2007, Appellants filed an Appeal Brief to which the Examiner responded by filing an Examiner's Answer on February 07, 2008. The Examiner's Answer contained a new ground of rejection designated in accordance with MPEP § 1207.03. According to MPEP § 1207.03 states that an appellant must respond to a new ground of rejection by filing either:

- (A) a reply in compliance with 37 C.F.R. § 1.111 to request that prosecution be reopened; or
- (B) a reply brief that addresses each new ground of rejection in compliance with 37 C.F.R. 41.37(c)(1)(vii) to maintain the appeal.

In addition, 37 C.F.R. § 41.39(b) states that an appellant has within two months to respond. Appellants have not responded within the specified timeframe.

Accordingly, it is ORDERED that the appeal which was filed on August 07, 2008, be dismissed.

The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

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